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TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT (Under 37 CFR 1.97(b) or 1.97(c))				Docket No. JP919990264US1	
In Re Application of: Xiao Wei Hu, et al. (14154)					
Application No. 09/759,837		Filing Date January 11, 2001	Examiner Robert B. Harrell	Customer No. 23389	Group Art Unit 2142
Confirmation No. 1902					
Title: A FRAMEWORK SYSTEM AND METHOD FOR TESTING SERVER PERFORMANCE UNDER MULTIPLE WORKLOADS					
Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450					
37 CFR 1.97(b)					
1. <input type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.					
37 CFR 1.97(c)					
2. <input checked="" type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:					
<input checked="" type="checkbox"/> the statement specified in 37 CFR 1.97(e);					
OR					
<input type="checkbox"/> the fee set forth in 37 CFR 1.17(p).					

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
JP919990264US1

In Re Application: **Hao Wei Hu, et al.**

DEC 16 2004

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/759,837	January 11, 2001	Robert B. Harrell	23389	2142	1902

Title: **A FRAMEWORK SYSTEM AND METHOD FOR TESTING SERVER PERFORMANCE
UNDER MULTIPLE WORKLOADS**

Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **50-0510/IBM** as described below.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Steven Fischman

Typed or Printed Name of Person Mailing Certificate _____

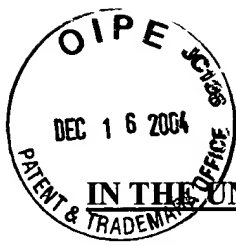
Dated: **December 13, 2004**

Steven Fischman

Registration No. 34,594

SCULLY, SCOTT, MURPHY & PRESSER

cc:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Xiao Wei Hu, et al.

Examiner: Robert B. Harrell

Serial No.: 09/759,837

Group Art Unit: 2142

Filed: January 11, 2001

Docket: JP919990264US1 (14154)

For: A FRAMEWORK SYSTEM AND METHOD
FOR TESTING SERVER PERFORMANCE
UNDER MULTIPLE WORKLOADS

Dated: December 13, 2004

Confirmation No. 1902

Mailstop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 23313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. §§1.97 and 1.98, it is requested that the following references, which are also listed on the attached Form PTO-1449, be made of record in the above-identified case.

1. Japanese Published Unexamined Patent Application No. 10-143401 dated May 29, 1998;
2. Japanese Published Unexamined Patent Application No. 09-244913 dated September 19, 1997;

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on December 13, 2004.

Dated: December 13, 2004


Steven Fischman

3. Japanese Published Unexamined Patent Application No. 09-138777 dated May 27, 1997;
4. Japanese Published Unexamined Patent Application No. 06-177893 dated June 24, 1994;
5. Junrou Nose, Performance Estimation Technique of Information System (The Last), "Summary of Performance Estimation and Tool", LAN TIMES, 1998.05.01, SOFTBANK Corp., Vol. 8, No. 5, pp. 152-156;
6. Tasturou Kitagou, "Automating Test for Distributed System and Enhancing Quality, ASQ Tools Appearing One After Another", NIKKEI ELECTRONICS, 1996.09.23, NIKKEI BP Corp., No. 671, pp. 135-140; and
7. Kaoru Majima, Feature Article 2 on Pro Use 'Utility', "Application Test Tool", NIKKEI SOFTWARE, 1998.08.24, NIKKEI BP Corp., Vol. 1, No. 3, pp. 122-129.

The references were cited in an Office Action dated September 28, 2004 received from the Japanese Patent Office. Applicants are submitting copies of the above-cited references.

In compliance with the requirements of 37 C.F.R. §1.98(a)(3), as a concise statement of relevance, as it is presently understood by the individual designated in 37 C.F.R. §1.56(c) most knowledgeable about the content of the information, the undersigned attorney of record submits a copy of portion of an official action by a foreign examiner in which the references were cited. The relevance to the pending U.S. patent application is that the references were cited in a foreign patent application on the same subject matter. However, no independent analysis of the references, the accuracy of the statement of the foreign examiner or the claims of the foreign application under the laws of that country or the United States relative to the subject matter claimed in the present application has been made; the present understanding of the contents thereof by the undersigned being based on the indication of relevance cited in the issued

Official Action by the foreign Examiner. Applicants will submit English equivalents of the relevant portions of the references as soon as they become available.

This Information Disclosure Statement is being submitted in accordance with 37 C.F.R. § 1.97(d); i.e., after the mailing of a Notice of Allowance, but prior to paying the issue fee. Accordingly, a statement under 37 C.F.R. § 1.97(e)(1) is provided as follows: The undersigned attorney hereby states that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement, thus no fee is required.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Steven Fischman', with a long horizontal flourish extending to the right.

Steven Fischman
Registration No. 34, 594

Scully, Scott, Murphy & Presser
400 Garden City Plaza, Suite 400
Garden City, New York 11530
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SF:gc

INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>				Docket Number (Optional) JP919990264US1 (14154)		Application Number 09/759,837	
				Applicant(s) Xiao Wei Hu, et al.			
				Filing Date January 11, 2001		Group Art Unit 2142	

OFFICE
 DEC 16 2004
 PATENT & TRADEMARK

U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

U.S. PATENT APPLICATION PUBLICATIONS							
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
		10-143401	05/29/98	Japan				
		09-244913	09/19/97	Japan				
		09-138777	05/27/97	Japan				
		06-177893	06/24/94	Japan				

OTHER DOCUMENTS		(Including Author, Title, Date, Pertinent Pages, Etc.)
		Junrou Nose, Performance Estimation Technique of Information System (The Last), "Summary of Performance Estimation and Tool", LAN TIMES, 1998.05.01, SOFTBANK Corp., Vol. 8, No. 5, pp. 152-156
		Tasturou Kitagou, "Automating Test for Distributed System and Enhancing Quality, ASQ Tools Appearing One After Another", NIKKEI ELECTRONICS, 1996.09.23, NIKKEI BP Corp., No. 671, pp. 135-140

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>				Docket Number (Optional) JP919990264US1 (14154)		Application Number 09/759,837	
				Applicant(s) Xiao Wei Hu, et al.			
				Filing Date January 11, 2001		Group Art Unit 2142	

DEC 16 2004
 PATENT & TRADEMARK OFFICE

U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

U.S. PATENT APPLICATION PUBLICATIONS							
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO

OTHER DOCUMENTS			<i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>
		Kaoru Majima, Feature Article 2 on Pro Use 'Utility', "Application Test Tool", NIKKEI SOFTWARE, 1998.08.24, NIKKEI BP Corp., Vol. 1, No. 3, pp. 122-129	

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

RPP SMP

*** Information Materials for IDS ***

To YOR IP Law Docket Number JP9-1999-0264 Date Oct. 10/7/04

Prepared by Kohtaroh Tanaka Date of JPO Office Action Sep. 1/28/04

Applied Art (The following reference(s) were cited by JPO Examiner as Prior art to the following JP claims)

Ref.	Patent Document No. or Title	Publication Date (MM/DD/YY)	English abs. or counterpart document available (Y/N)	JP claim(s)
A	Junrou Nose, Performance Estimation Technique of Information System (The Last), "Summary of Performance Estimation and Tool", LAN TIMES, 1998.05.01, SOFTBANK Corp., Vol.8, No.5, pp.152-156		N	1-22
B	Tasturou Kitagou, "Automating Test for Distributed System and Enhancing Quality, ASQ Tools Appearing One after Another", NIKKEI ELECTRONICS, 1996.09.23, NIKKEI BP Corp., No.671, pp.135-140		N	1-22
C	Kaoru Majima, Feature Article 2 on Pro Use 'Utility', "Application Test Tool", NIKKEI SOFTWARE, 1998.08.24, NIKKEI BP Corp., Vol.1, No.3, pp.122-129		N	1-22
D				
E				
F				

<NOTE>

- ◇ PUPA : Published Unexamined Patent Application ◇ PEPA : Published Examined Patent Application
 ◇ PUUMA : Published Unexamined Utility Model Application ◇ PEUMA : Published Examined Utility Model Application
 ◇ JP : Japanese Patent ◇ * : Reference being filed before and published after the priority application date of the subject docket

Background Art (The following reference(s) were cited but not applied to the JP claims.)

Ref.	Patent Document No. or Title	Ref.	Patent Document No. or Title
bgA	PUPA 10-143401	bgD	PUPA 06-177893
bgB	PUPA 09-244913	bgE	
bgC	PUPA 09-138777	bgF	

Comment, if any :

to be continued ☐